

EXHIBIT 2

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 14 Civ. 2018 (AKH)

5 - - - - -x

6 ARACELI KING,

7 Plaintiff,

8 -against-

9 TIME WARNER CABLE, INC.,

10 Defendant.

11 - - - - -x

12 May 15, 2015

13 10:21 a.m.

14
15 Deposition of ARACELI KING, the
16 Plaintiff in the above-entitled action,
17 pursuant to Notice, held at the offices of
18 Newman Myers Kreines Gross Harris, P.C.,
19 40 Wall Street, New York, New York, taken
20 before Cilia Civetta, a Notary Public of
21 the State of New York.

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A P P E A R A N C E S :

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BY: CHARLES D. COLE, JR., ESQ.

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2 STIPULATIONS3
4 IT IS HEREBY STIPULATED AND AGREED, by
5 and among counsel for the respective
6 parties hereto, that the filing, sealing
7 and certification of the within deposition
8 shall be and the same are hereby waived;9 IT IS FURTHER STIPULATED AND AGREED
10 that all objections, except as to form of
11 the question, shall be reserved to the
12 time of the trial;13 IT IS FURTHER STIPULATED AND AGREED
14 that the within deposition may be signed
15 before any Notary Public with the same
16 force and effect as if signed and sworn to
17 before the Court.

18 * * *

1 A. KING

2 A. No.

3 Q. So that's all the names?

4 A. Yes.

5 Q. Where do you live?

6 A. I live in Irving, Texas.

7 Q. What's your address in Irving,
8 Texas?

9 A. 4054 Belt Line Road, Irving,
10 Texas 75038.

11 Q. Do you have an apartment number
12 at 4054 Belt Line Road?

13 A. 222.

14 Q. And how long have you lived at
15 4054 Belt Line Road?

16 A. Since September -- at the
17 beginning of September 1st, 2014.

18 Q. Why did you start living at 4054
19 Belt Line Road in Irving in September of
20 last year?

21 A. I got a job with State Farm. I
22 got rehired with State Farm.

23 Q. When you said State Farm, is
24 that what's generally known as State Farm
25 Insurance?

1 A. KING

2 A. About two months after I moved
3 there, in September. Like November,
4 probably.

5 Q. What is your cell number?

6 A. 915-861-0528.

7 Q. How long have you had that
8 number?

9 A. For about three years, about.

10 Q. And where did you get that
11 number from?

12 A. From Sprint.

13 Q. Tell me about or describe your
14 relationship with Sprint.

15 A. I pay the cell service and I pay
16 every month.

17 Q. What sort of plan do you have
18 with Sprint?

19 A. I have unlimited data and
20 unlimited texting, and I think I have 400
21 minutes, I don't remember, or 4000. I
22 don't remember the minutes. But that's
23 why I got a land line, because I don't
24 have a lot of minutes.

25 Q. And what do you pay Sprint?

1 A. KING

2 A. How much?

3 Q. Yes.

4 A. \$89.

5 Q. How often?

6 A. Every month.

7 Q. Has that been the same plan for
8 the last three years?

9 A. Yes. I was with AT&T before,
10 though.

11 Q. Let's not go to that. Let's
12 just start with Sprint.

13 A. Okay.

14 Q. When you got the 915-861-0528
15 number, where were you living?

16 A. El Paso.

17 Q. And were you living at the 7955
18 Crescent Moon Court address?

19 A. Yes.

20 Q. For the \$89 a month, in addition
21 to the data, text and minutes, what else
22 do you get from Sprint?

23 A. That's it.

24 Q. Do they give you a phone for
25 that?

1 A. KING

2 A. Yes.

3 Q. When did you first get cable
4 service from Time Warner Cable?

5 A. When I moved to the house.

6 Q. And that would have been,
7 roughly, ten years ago?

8 A. Yes.

9 Q. When did you get Internet
10 service?

11 A. Later, because I only got the
12 Internet to download music from iTunes.
13 So later, probably like three years ago,
14 four years ago.

15 Q. And then sometime around
16 December 2013 or January 2014 you got a
17 land line, too; is that right?

18 A. Correct.

19 Q. And all of that, the cable,
20 Internet and the land line, was from Time
21 Warner?

22 A. Yes.

23 Q. Did you get any other electronic
24 services, meaning either cable, Internet
25 or phone, from any other provider at the

1 A. KING

2 Q. And that has an account phone
3 listed?

4 A. Mm-hmm.

5 Q. And that's the 915-861-0528
6 number?

7 A. Yes.

8 Q. Is that the Sprint number you
9 have?

10 A. Yes.

11 Q. Is that a number that you gave
12 to Time Warner Cable to associate with
13 your account?

14 A. Yes.

15 Q. And so I understand, the bill
16 that's been marked as Defendant's Exhibit
17 C is your bill from Time Warner Cable
18 dated June 2014, right?

19 A. That's what it looks like.

20 Q. And it covers your Internet
21 service, right?

22 A. Mm-hmm.

23 Q. Your phone service?

24 A. Yes.

25 Q. And your cable service?

1 A. KING

2 A. I don't remember getting this
3 material, no.

4 Q. Let me ask you, did they give
5 you a package of instructions?

6 A. No, I don't remember.

7 Q. Did they give you some paper?

8 A. I don't remember getting paper.

9 Q. Well, didn't they give you some
10 instructions on how to use the land line?

11 A. No, because, I mean, it's pretty
12 simple to use the land line.

13 Q. I appreciate that. I thought
14 maybe they gave you some instructions.

15 A. No.

16 Q. Now, in this case, you say that
17 you were getting calls on your cell phone
18 for someone named Perez; is that right?

19 A. Luis Perez.

20 Q. What number were those calls
21 going to?

22 A. To my cell phone.

23 Q. What number is that?

24 A. 915-861-0528.

25 Q. And when did you first get a

1 A. KING

2 call for Mr. Perez on the 915-861-0528
3 number?

4 A. I started getting the phone
5 calls when I initially got the phone,
6 almost immediately I started getting them.

7 Q. And when was that?

8 A. Three years ago. I barely
9 renewed my contract a couple of months
10 ago. So that was two years prior to that.

11 Q. So when did you first get a call
12 for Mr. Perez?

13 A. Immediately after I had the
14 phone I started getting the calls from
15 Time Warner, saying that there was a
16 balance due on the account for Luis Perez.

17 Q. And what did you do when you got
18 those calls?

19 A. I called Time Warner Cable to
20 let them know that I was receiving phone
21 calls for Luis Perez with my number.

22 Q. And how did you do that?

23 A. I called them on my cell phone
24 and I told them that I had been receiving
25 phone calls; that the phone number has

1 A. KING

2 getting calls for Luis Perez?

3 A. I called a lot. But I had to
4 call from a different number because they
5 would not give me information because it
6 was not my account. And I would have to
7 call from a different number so that I can
8 play the message and show them what I was
9 talking about, because they wouldn't be
10 able to provide me information.

11 I said, well, can you just
12 delete the number because it no longer
13 belongs to Luis Perez and I keep getting
14 these phone calls. I was afraid that they
15 were going to start thinking that it was
16 me that I was late and that it was going
17 to affect my credit. So that's why I
18 started to call them, to let them know to
19 take the number off of that person who
20 they're calling.

21 Q. Let's back up.

22 When you say you made a call
23 from a different number, what do you mean
24 you made a call from a different number?

25 A. Well, because I needed to play

1 A. KING

2 the message on my phone, because the
3 messages were left on my cell phone. So I
4 couldn't call from my cell phone because
5 in order for them to even talk to me about
6 it, they could give me only information on
7 my own account.

8 So in order for me to show them,
9 I would call them from other phones, so
10 that I can show them and play the message
11 when they were asking me questions, so
12 that they can believe me and delete me
13 from -- delete that number from the other
14 account, because they weren't doing it and
15 I kept calling them and telling them that
16 I needed to --

17 Q. All right. What different
18 number did you use to make the calls to
19 Time Warner Cable?

20 A. I would call from work
21 sometimes.

22 Q. And what number is that?

23 A. 915-298-8005.

24 Q. I'm sorry, 8005?

25 A. Mm-hmm.

1 A. KING

2 A. Of the phone calls that I would
3 get for -- from Time Warner for Luis
4 Perez. I starting saving those messages.

5 Q. And how do you know that those
6 were phone calls from Time Warner for Luis
7 Perez?

8 A. They were in voice mail, and I
9 would listen to the voice mail and it
10 would say, this is for the account
11 belonging to Luis Perez.

12 Q. What part of the phone were you
13 taking pictures of or screen shots of?

14 A. Oh, this is just the number.

15 Q. Right. But my question is, is
16 that calls that you received or --

17 A. Yes.

18 Q. -- or is it calls where a
19 message was left or is it something else?

20 A. Calls where a message was left.

21 Q. And that's what's shown in
22 Exhibit F?

23 A. Yes.

24 Q. Let's just look at what's on the
25 first page of Exhibit F. If you go down,

1 A. KING

2 A. Yes.

3 Q. And then in voice mail, at some
4 point later you would go back and listen
5 to the voice mail?

6 A. Yes.

7 Q. Didn't you get to a point where
8 you'd know where the call was and didn't
9 even bother to listen to it on voice mail?

10 A. No, because I still needed to
11 find out. I still had an account with
12 Time Warner Cable and I needed to know if
13 it was about me or not.

14 Q. So when you listened to it on
15 voice mail, what did you hear?

16 A. This message is for an account
17 for Luis Perez, to call, and then they
18 were referring to call Time Warner Cable.

19 Q. What else was in the message?

20 A. I think that's all I remember.

21 Q. That's all you remember?

22 A. Mm-hmm.

23 Q. It said, this is Time Warner
24 Cable and we're calling for Luis Perez?

25 A. For an account that belongs to,

1 A. KING

2 and then it will say Luis Perez. It will
3 say the name and then it will say, please
4 call Time Warner Cable with regards to
5 your account, or something like that.

6 Q. Did all the messages say that or
7 weren't there some messages that had no
8 voice in them?

9 A. There were some messages that
10 were silent.

11 Q. So there wasn't any recording on
12 those, the silent ones?

13 A. I don't remember having messages
14 on all of them.

15 Q. Well, in other words, some of
16 them had a recording that said this is
17 Time Warner Cable calling for Luis Perez,
18 right?

19 A. Yes.

20 Q. And some of them in voice mail
21 had no recording; isn't that right?

22 A. Yes.

23 Q. And there was nothing to be
24 heard, right?

25 A. Yes.

1 A. KING

2 Q. Do you know Mr. Perez?

3 A. No.

4 Q. Ever meet him?

5 A. No.

6 Q. Has he ever called you?

7 A. No.

8 Q. Has anyone identified himself to
9 you as Luis Perez?

10 A. No.

11 Q. Do you know why you were
12 receiving calls for Luis Perez?

13 A. Because he probably had my
14 number before I got it.

15 Q. And why do you say that?

16 A. Because that's what happens
17 sometimes. That's what I told you.

18 Q. And how do you know that happens
19 sometimes?

20 A. Because it happened before.

21 Q. Oh, it did?

22 A. Yes.

23 Q. When did it happen before?

24 A. Not with Time Warner, though.
25 With another company. And then you call